

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION**

RONALD HUNTER, #22594-039,  
Petitioner,

v.

Civil Case No. 07-15267  
**Criminal Case No. 92-81058-D21**  
Hon. Anna Diggs Taylor

UNITED STATES OF AMERICA,  
Respondent.

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**ORDER DENYING PETITIONER'S THIRD  
MOTION PURSUANT TO 28 U.S.C. § 2255**

**I.**

Before the court is Petitioner, Ronald Hunter's third motion to vacate sentence pursuant to 28 U.S.C. §2255 [D/E 828]. For the reasons stated below, Petitioner's motion must be DENIED.

**II.**

On April 17, 1997, a grand jury returned a fourth superseding indictment charging Petitioner and others with aiding and abetting and intentional killing of a female victim outside a Detroit, MI, nightclub in violation of 18 U.S.C. § 2, and 21 U.S.C. § 848(e)(1)(A), and use or carrying of a firearm in violation of 18 U.S.C. § 924(c). Petitioner was one of eleven defendants charged in a fourth superseding indictment with various drug violations, including conspiracy to possess with intent to distribute cocaine base. 21 U.S.C. § 846. After a jury trial, Petitioner was found guilty of 21 U.S.C. § 848(e)(1)(A) and 18 U.S.C. § 2, for intentional killing and 18 U.S.C. § 924(c), for use or carrying of a firearm. On November 16, 1998, Petitioner was sentenced to a term of life

imprisonment for the intentional killing and aiding and abetting charge, and 60 months on the firearm charge, said terms to run consecutively.

Petitioner appealed his sentence and the Sixth Circuit issued an order denying his appeal. *U.S. v. Sellers*, 9 Fed. Appx. 335 (6th Cir. 2001); *cert. denied, Hunter v. U.S.*, 535 U.S. 909, 152 L. Ed. 2d 150, 122 S. Ct. 1213, (2002).

On February 19, 2003, Petitioner filed a Motion to vacate sentence pursuant to 28 U.S.C. §2255. On March 14, 2003, Petitioner filed a second Motion to vacate sentence pursuant to 28 U.S.C. §2255. After Petitioner filed his §2255 motions, he then filed a Motion for Appointment of Counsel to assist with his request for habeas relief. This court subsequently denied Petitioner's request for appointed counsel as well as his Motion for Certificate of Appealability on that issue.

On January 4, 2004, this Court issued a Memorandum Opinion and Order denying Petitioner's §2255 motions. On February 25, 2004, Petitioner filed a Notice of Appeal. On October 28, 2004, the Sixth Circuit issued an Order denying his certificate of appealability stating that Petitioner failed to make a substantial showing of the denial of a constitutional right. On May 19, 2005, Petitioner filed a Motion for Reconsideration. On September 19, 2005, this court issued a Memorandum Opinion and Order denying the Motion for Reconsideration. On November 15, 2005, Petitioner filed a Notice of Appeal. On December 1, 2005, this court entered an Order denying his request for Certificate of Appealability.

On December 10, 2007, Petitioner filed the instant motion titled "Defendant Ronald Hunter's Motion Pursuant to a Hazel-Atlas Action Based Upon Fraud On The Court." This court construed the motion as a motion to vacate, set aside or correct sentence pursuant to 28 U.S.C. 2255 and issued a Notice to Petitioner memorializing such.

### **III.**

The instant motion represents Petitioner's third motion filed pursuant to 28 U.S.C. §2255. By statute, before a district court may consider a second or successive §2255 motion, the motion "must be certified . . . by a panel of the appropriate court of appeals" to rest upon either "newly discovered evidence" or "a new rule of constitutional law, made retroactive to cases on collateral review by the Supreme Court, that was previously unavailable." 28 U.S.C. §2255 para. 8.

Petitioner has failed to obtain appellate certification. Accordingly, this court does not have jurisdiction to entertain a second or successive §2255 motion and the motion is DENIED.

For the foregoing reasons,

IT IS ORDERED that Petitioner's Motion to vacate sentence under 28 U.S.C. §2255 is hereby DENIED.

**IT IS SO ORDERED.**

DATED: February 7, 2008

s/Anna Diggs Taylor  
ANNA DIGGS TAYLOR  
UNITED STATES DISTRICT JUDGE

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#### **CERTIFICATE OF SERVICE**

The undersigned certifies that a copy of the foregoing Order was served upon Petitioner by First Class U.S. mail on February 7, 2008:

Ronald Hunter, #22594-039  
P.O. Box 12015  
Terre Haute, IN 47801

s/Johnetta M. Curry-Williams  
Case Manager